

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AARON FRAZIER,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY,

Defendant.

No. 4:21-CV-00350

(Chief Judge Brann)

ORDER

AND NOW, this 18th day of May 2022, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. The Pennsylvania State University's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 20) is **DENIED IN PART AND GRANTED IN PART**, as follows:
 - a. **DENIED** as to Frazier's disparate-treatment and failure-to-accommodate claims in Counts I and II.
 - b. **GRANTED WITH PREJUDICE** as to any disparate-impact claims Frazier raises in Counts I and II.
 - c. **GRANTED WITH PREJUDICE** as to Count III.
2. Further leave to amend is not granted.

3. Penn State shall file an Answer to the surviving claims in Frazier's Second Amended Complaint (Doc. 18) by June 8, 2022.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge